REMARKS

Claim Rejections under 35 U.S.C. § 103 (a)

Claims 1-27

The Examiner has rejected claims 1-27 under 35 U.S.C. § 103 (a) as being unpatentable over Mastronardi (U.S. Patent No. 6,346,951 B1), and further in view of Dengler (U.S. Patent No. 6,581,103 B1).

Claims 1-7

Applicant respectfully disagrees with the Examiner. Applicant has amended claim 1 to distinguish Applicant's present invention from the Mastronardi and Dengler references cited by the Examiner. Support is provided by the specification including in paragraphs **[0026]**, **[0028]**, **[0030]**, and **[0031]**.

Claim 1, as amended, of Applicant's claimed invention claims: a method comprising: creating a play list; occasionally connecting a portable device of a user to a network; submitting the play list to a multimedia content provider through the network; gathering multimedia content specified in the play list; downloading the multimedia content to a multimedia content cache in the portable device; disconnecting the portable device from the network; playing the multimedia content

on the portable device; recording the user's feedback; and uploading the user's feedback when connected to the network. See Figures 1-3.

In contrast, Mastronardi and Dengler cited by the Examiner do not teach a portable device that is occasionally connected to a network to download multimedia content (to a cache) and to upload user's feedback. Thus, the two cited references, whether individually or collectively, fail to teach, suggest, or render obvious Applicant's claimed invention, as claimed in claim 1, as amended.

Applicant has also amended claim 2.

Claims 2-7 are dependent on claim 1, as amended, of Applicant's claimed invention. Thus, the two cited references also fail to teach, suggest, or render obvious Applicant's claimed invention, as claimed in claims 2-7.

Consequently, claims 1-7 would not have been obvious to one of ordinary skill in the art of the Internet at the time that the invention was made.

In view of the foregoing, Applicant respectfully requests the Examiner to withdraw the rejections under 35 U.S.C. § 103 (a) to claims 1-7.

Claims 8-11

Applicant respectfully disagrees with the Examiner. Applicant has amended claim 8 to distinguish Applicant's present invention from the Mastronardi and Dengler references cited by the Examiner. Support is provided by the specification including in paragraphs **[0020]** and **[0030]**.

Claim 8, as amended, of Applicant's claimed invention claims a method comprising: connecting occasionally to a portable device through the Internet; accepting a play list of multimedia files from a user of the portable device; modifying the play list by recommending to the user additional content not even

related to the user's preferences; searching a database for multimedia content according to the modified play list; processing the multimedia content before the multimedia content is downloaded; transferring the multimedia content to the portable device; and obtaining opinion of the additional content from the user for marketing purposes. See Figures 1-3.

In contrast, Mastronardi and Dengler cited by the Examiner do not teach connecting occasionally to a portable device through the Internet, modifying a play list by recommending to the user additional content not even related to the user's preferences; transferring multimedia content to the portable device; and obtaining opinion of the additional content from the user for marketing purposes. Thus, the two cited references, whether individually or collectively, fail to teach, suggest, or render obvious Applicant's claimed invention, as claimed in claim 8, as amended.

Claims 9-11 are dependent on claim 8, as amended, of Applicant's claimed invention. Thus, the two cited references also fail to teach, suggest, or render obvious Applicant's claimed invention, as claimed in claims 9-11.

Consequently, claims 8-11 would not have been obvious to one of ordinary skill in the art of the Internet at the time that the invention was made.

In view of the foregoing, Applicant respectfully requests the Examiner to withdraw the rejections under 35 U.S.C. § 103 (a) to claims 8-11.

Claims 12-16

Applicant respectfully disagrees with the Examiner. Applicant has amended claim 12 to distinguish Applicant's present invention from the Mastronardi and Dengler references cited by the Examiner. Support is provided by the specification including in paragraph **[0028]**.

Claim 12, as amended, of Applicant's claimed invention claims a system comprising: a play list creator capable of creating a play list of multimedia files accepted and arranged by a user; a multimedia content provider capable of providing the multimedia files specified by the play list for a user to download; a portable multimedia content cache capable of receiving the multimedia files through a network while occasionally connected and storing the multimedia files; and a portable multimedia content player capable of accessing and rendering the multimedia contents to the user. See Figures 1-3.

In contrast, the Mastronardi and Dengler references cited by the Examiner do not teach a system comprising a play list creator capable of creating a play list of multimedia files accepted and arranged by a user. Thus, the two cited references, whether individually or collectively, fail to teach, suggest, or render obvious Applicant's claimed invention, as claimed in claim 12, as amended.

Claims 13-16 are dependent on claim 12, as amended, of Applicant's claimed invention. Thus, the two cited references also fail to teach, suggest, or render obvious Applicant's claimed invention, as claimed in claims 13-16.

Consequently, claims 12-16 would not have been obvious to one of ordinary skill in the art of the Internet at the time that the invention was made.

In view of the foregoing, Applicant respectfully requests the Examiner to withdraw the rejections under 35 U.S.C. § 103 (a) to claims 12-16.

Claims 17-23

Applicant respectfully disagrees with the Examiner. Applicant has amended claim 17 to distinguish Applicant's present invention from the Mastronardi and

Dengler references cited by the Examiner. Support is provided by the specification including in paragraph **[0020]**.

Claim 17, as amended, of Applicant's claimed invention claims an article comprising: a machine accessible medium having content stored thereon, wherein when the content is accessed by a processor, the content provides for caching multimedia content to a portable device by: creating a play list based on titles accepted by a user of the portable device; submitting the play list to a multimedia content provider through a network while the portable device is occasionally connected; downloading multimedia content in the play list to the portable device when the portable device is connected to the multimedia content provider and caching the multimedia content on the portable device; and playing the cached multimedia content while the portable device is not connected to the multimedia content provider.

In contrast, the Mastronardi and Dengler references cited by the Examiner do not teach an article comprising: a machine accessible medium having content stored thereon, wherein the content provides for caching multimedia content to a portable device by creating a play list based on titles accepted by a user of the portable device. Thus, the two cited references, whether individually or collectively, fail to teach, suggest, or render obvious Applicant's claimed invention, as claimed in claim 17, as amended.

Claims 18-23 are dependent on claim 17, as amended, of Applicant's claimed invention. Thus, the two cited references also fail to teach, suggest, or render obvious Applicant's claimed invention, as claimed in claims 18-23.

Consequently, claims 17-23 would not have been obvious to one of ordinary skill in the art of the Internet at the time that the invention was made.

In view of the foregoing, Applicant respectfully requests the Examiner to withdraw the rejections under 35 U.S.C. § 103 (a) to claims 17-23.

Claims 24-27

Applicant respectfully disagrees with the Examiner. Applicant has amended claim 24 to distinguish Applicant's present invention from the Mastronardi and Dengler references cited by the Examiner. Support is provided by the specification including in paragraph **[0032]**.

Claim 24, as amended, of Applicant's claimed invention claims an article comprising: a machine accessible medium having content stored thereon, wherein when the content is accessed by a processor, the content provides for distributing multimedia files by: accepting or rejecting titles in a play list of multimedia files recommended by a content provider; searching a database for multimedia content according to the play list; processing the multimedia content before the multimedia content is downloaded; and transferring the multimedia content to an occasionally-connected portable device while connected. See Figures 1-3.

In contrast, the Mastronardi and Dengler references cited by the Examiner do not teach an article comprising: a machine accessible medium having content stored thereon, wherein the content provides for distributing multimedia files by accepting or rejecting titles in a play list of multimedia files recommended by a content provider. Thus, the two cited references, whether individually or collectively, fail to teach, suggest, or render obvious Applicant's claimed invention, as claimed in claim 24, as amended.

Claims 25-27 are dependent on claim 24, as amended, of Applicant's claimed invention. Thus, the two cited references also fail to teach, suggest, or render obvious Applicant's claimed invention, as claimed in claims 25-27.

Consequently, claims 24-27 would not have been obvious to one of ordinary skill in the art of the Internet at the time that the invention was made.

In view of the foregoing, Applicant respectfully requests the Examiner to withdraw the rejections under 35 U.S.C. § 103 (a) to claims 24-27.

Conclusion

Applicant believes that all claims pending, including claims 1-27, are now in condition for allowance so such action is earnestly solicited at the earliest possible date.

Pursuant to 37 C.F.R. § 1.136 (a) (3), Applicant hereby requests and authorizes the U.S. Patent and Trademark Office to treat any concurrent or future reply that requires a petition for extension of time as incorporating a petition for extension of time for the appropriate length of time.

Should there be any additional charge or fee, including extension of time fees and fees under 37 C.F.R. § 1.16 and § 1.17, please charge Deposit Account No. 50-0221.

If a telephone interview would in any way expedite the prosecution of this application, the Examiner is invited to contact the undersigned at (408) 653-7897.

Respectfully submitted,

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